

MEMORANDUM
MONROE COUNTY PLANNING DEPARTMENT
We strive to be caring, professional and fair

To: Planning Commission

From: Bill Harbert, Senior Planning Technician *BH*

Date: February 14, 2007

Through: Aref Joulani, Sr. Director of Planning & Environmental Resources *AJ*

RE: *Request for a Variance by Benjamin & Krishina Lowe for 381 Avenue C*
Big Coppitt Key, Block 9, Lot 1, Johnsonville Subdivision
Real Estate Number 00152070.000000



I REQUEST:

A. Proposal:

The Applicant is requesting a Variance of fourteen (14) feet from the required twenty-five (25) foot Third Street front yard setback in the Improved Subdivision (IS) District. As a result, the front yard setback along Third Street would be eleven (11) feet. The granting of this Variance will allow the Applicant to construct a larger replacement single-family residence on a corner lot.

B. Location:

1. Island/Mile Marker: Big Coppitt Key, Mile Marker 10
2. Address: 381 Avenue C
3. Legal Description : Block 9, Lot 1, Johnsonville Subdivision
4. Real Estate Number: 00152060.000000

C. Applicant:

1. Owner: Benjamin & Krishina Lowe

II PROCESS:

Pursuant to Monroe County Code (MCC) Sec. 9.5-524, the Planning Commission is authorized to grant variances for the reduction of non-shoreline setback requirements for front, side and rear yard setbacks.

The variance application shall be heard at a regularly scheduled meeting of the Planning Commission. Notice, posting and hearing requirements shall be in accordance with MCC Sec. 9.5-524. The Planning Commission's decision shall be in accordance with MCC Sec. 9.5-4. Except for the special accessibility setback

1 variance provided for in MCC Sec. 9.5-523(g), a variance shall only be granted if
2 the standards in MCC Sec. 9.5-523(g) are met.

3
4 III PRIOR COUNTY ACTIONS:

5
6 The property owner received a letter from the Monroe County Planning
7 Department, dated March 20, 2006, stating the replacement dwelling would be
8 exempt from the Residential Rate of Growth Ordinance (ROGO).
9

10 IV BACKGROUND INFORMATION:

- 11
12 A. Size of Site: 5,000 square feet (0.11 acres)
13 B. Land Use District: Improved Subdivision (IS)
14 C. Future Land Use Map (FLUM) Designation: Residential Medium (RM)
15 D. Proposed Tier Designation: Tier III
16 E. Existing Vegetation / Habitat: Developed
17 F. Community Character of Immediate Vicinity: Single-family residential
18

19 V REVIEW OF APPLICATION:

20
21 Pursuant to MCC Sec. 9.5-281, the required non-shoreline setbacks for the
22 Improved Subdivision (IS) District are as follows: Front yard – twenty-five (25)
23 feet; Rear yard – twenty (20) feet; and Side yard – ten (10) / fifteen (15) feet (where
24 ten (10) feet is the required side yard for one side and fifteen (15) feet is the
25 minimum combined total of both side yards).
26

27 The subject property is a corner lot, situated at the intersection of 3rd Street and
28 Avenue C on Big Coppitt Key. As a result, the property has two required front
29 yard setbacks of twenty-five (25) along the right-of-ways of the roadways. In
30 addition, the property has a required side yard setback of five (5) feet from the
31 western property line and a required rear yard setback of twenty (20) feet from the
32 northern property line.
33

34 The Applicant is requesting a Variance of fourteen (14) feet from the required
35 twenty-five (25) foot front yard setback along 3rd Street only. As a result, the front
36 yard setback along 3rd Street would be eleven (11) feet. The granting of a variance
37 will allow the Applicant to construct a single-family residence that is twenty-six
38 (26) foot wide plus a small landing for stairs and overhang.
39

40 The Applicant asserts that the proposed residence requires a variance so that it
41 may be of a sufficient size.
42

43 The nearest developed property on 3rd Street, located on the parcel directly to the
44 North, has a single-family residence setback approximately fifteen (15) feet from
45 the right-of-way.
46

1 In addition, nearly all of the developed properties along 3rd Street in the
2 immediate vicinity have developed within the required twenty-five (25) front
3 yard setback. This includes both principal and accessory structures.

4
5 The image to the right shows that
6 three parcels to the North of the
7 subject property (outlined in blue)
8 have development setback twenty
9 (20) feet or less to the right-of-way
10 (the red line indicate a twenty-five
11 (25) foot setback and the yellow
12 line indicates a eleven (11) foot
13 setback).



Surrounding property and immediate vicinity

14
15 In addition, Staff has found that
16 the proposed single-family
17 residence will have little visual
18 impact on the immediate vicinity
19 because most of the neighboring
20 properties along 3rd Street also
21 have structures within the
22 required setback along 3rd Street.

23
24 The Applicant is requesting a Variance of fourteen (14) feet from the required
25 twenty-five (25) foot front yard setback along Third Street.

26
27 *Pursuant to MCC Sec. 9.5-523(f), the Planning Commission may grant a variance if the*
28 *Applicant demonstrates that all of the following standards are met:*

29
30 A. *The Applicant demonstrates a showing of good and sufficient cause;*

31
32 The Applicant asserts that since the property is a corner lot with two front yard
33 setbacks, the proposed home will not fit if the fourteen (14) foot variance along
34 3rd Street is not granted.

35
36 Staff finds that the Applicant has demonstrated a showing of good and sufficient
37 cause for a variance due to the subject property being a corner lot with two
38 required front yard setbacks. This reduces the amount of as-of-right buildable
39 area in comparison to other similarly sized lots in the immediate vicinity that do
40 not have two front yard setback requirements.

41
42 B. *Failure to grant the variance would result in exceptional hardship to the Applicant;*

43
44 The Applicant asserts that without the granting of a variance they would not be
45 able to build the house on the on the property and they would basically own a
46 property that they could not build a house of sufficient size on.

1 Pursuant to MCC Sec. 9.5-4 (E-4), *exceptional hardship* means a burden on a
2 property owner that substantially differs in kind or magnitude from the burden
3 imposed on other similarly situated property owners in the same land use
4 district as a result of adoption of these regulations.
5

6 Staff finds that failure to grant the variance would result in exceptional hardship
7 to the Applicant in that the subject property is a corner lot with two front yard
8 setbacks which reduces the amount of as-of-right buildable area. In addition,
9 other similarly situated properties along 3rd Street have structures in the required
10 twenty-five foot front yard setback.
11

- 12 C. *Granting the variance will not result in increased public expenses, create a threat to*
13 *public health and safety, create a public nuisance, or cause fraud or victimization of the*
14 *public;*
15

16 The applicant asserts that there will not be any threats to public expense and that
17 the proposed development would not create a nuisance, cause fraud or victimize
18 the public.
19

20 Staff finds that the granting of the variance would not burden public resources or
21 create a health and safety threat, create a nuisance, cause fraud or victimization
22 to the public.
23

- 24 D. *The property has unique or peculiar circumstances, which apply to this property, but*
25 *which do not apply to other properties in the same zoning district;*
26

27 The Applicant asserts that this is a corner lot making it a unique or peculiar
28 circumstance. The parcel has setbacks from two streets instead of only one and if
29 a variance is not granted the width of an allowable structure would be similar to
30 that of a mobile home.
31

32 Staff finds that the subject property is a corner lot with two front yard setbacks
33 which makes this a unique or peculiar circumstance, which apply to this
34 property, but which do not apply to other properties in the same zoning district.
35

- 36 E. *Granting the variance will not give the Applicant any special privilege denied other*
37 *properties in the immediate neighborhood in terms of the provisions of this chapter or*
38 *established development patterns;*
39

40 Staff finds that the granting of the variance would not give the Applicant special
41 privileges denied to other properties in the immediate vicinity.
42

- 43 F. *Granting the variance is not based on disabilities, handicaps or health of the Applicant or*
44 *members of his family;*
45

46 Staff finds that the granting of the variance is would not be based on disabilities,
47 handicaps or health of the Applicant or members of his family.

1
2 G. *Granting the variance is not based on the domestic difficulties of the Applicant or his*
3 *family; and*
4

5 Staff finds that the granting of the variance is would not be based on the
6 domestic difficulties of the Applicant or his family.
7

8 H. *The variance is the minimum necessary to provide relief to the Applicant.*
9

10 The Applicant is requesting an adjustment of fourteen (14) feet. This request is
11 the minimum necessary to provide relief.
12

13 Staff finds that this request is the minimum necessary to provide relief to the
14 Applicant.
15

16 VI RECOMMENDED ACTION:
17

18 Based on the review of the application, Planning Staff recommends APPROVAL to
19 the Planning Commission for the proposed variance, with the following conditions:
20

21 A. All new development must comply with the Monroe County Code and Florida
22 Building Code.
23

24 B. The granting of this Administrative Variance is based on the modular home
25 specified in the site plans submitted with the variance application. Work not
26 specified or alterations to the site plans may not be carried out without
27 additional Planning Approval.
28

29 C. This approval is to allow the modular home; however it does not waive the
30 required front yard setback for any other structures.
31

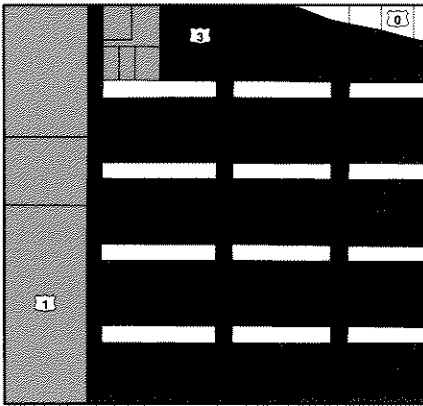
32 V PLANS REVIEWED:
33

34 A. Monroe County Property Record Card;

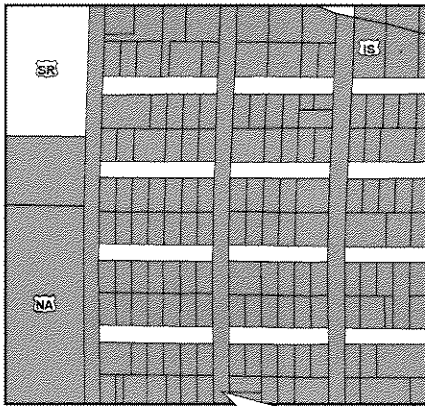
35 B. Monroe County Land Use District Map; and

36 C. Site Plan of the proposed modular home submitted by the Applicant
37

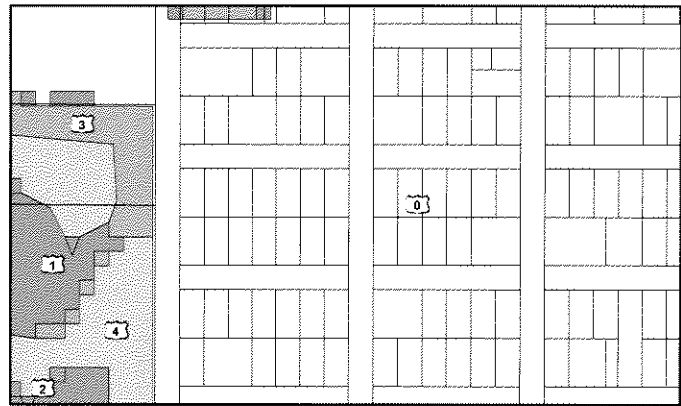
Lowe Property Real Estate No. 00152070.000000



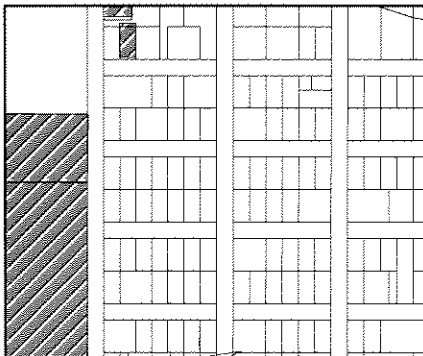
Tier Designation



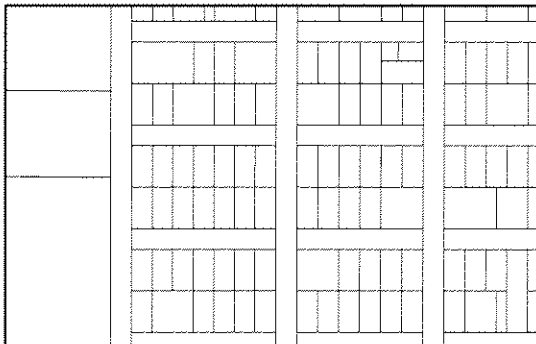
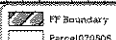
Land Use Designation



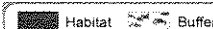
Protected Species



Florida Forever Boundary



Keys Marsh Rabbit Buffer/Habitat



COUNTY of MONROE
KEY WEST FLORIDA 33040
(305) 254-4641
Planning & Environmental Resources



This map is for use by the Monroe County Growth Management Division only. The data contained herein is not a legal representation of boundaries, parcels, roads right of ways or other geographical data.

Prepared by: B. Harbert